

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BUWLUS A. MUHAMMAD,  
Plaintiff,

v.

DISTRICT JUSTICE  
JOSEPH LEFAIVER,  
Defendant.

Civil Action No. 05-243 Erie

**MEMORANDUM ORDER**

This motion for leave to proceed *in forma pauperis* was received by the Clerk of Court on August 22, 2005, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 2], filed on August 31, 2005, recommended that the matter be dismissed as legally frivolous and that the motion be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. Objections were filed by Plaintiff on September 9, 2005. After de novo review of the motion and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 20<sup>th</sup> day of September, 2005;

IT IS HEREBY ORDERED that the Plaintiff's motion for leave to proceed *in forma pauperis* [Doc. No. 1] is DENIED, and the matter is DISMISSED as legally frivolous in accordance with 28 U.S.C. § 1915(d).

The Report and Recommendation [Doc. No. 2] of Magistrate Judge Baxter, filed on August 31, 2005, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge